



Jammu & Kashmir State Information Commission
Old Assembly Complex, Srinagar. Fax ;0194-2484268,2484269
Wazarat Road, Jammu. Fax No: 0191-2520947, 2520927

File No.SIC/CO/SA/31/2012
Decision No.SIC/CO/SA/31/2012/481

Title:- Shri Shiv Shanker Sharma R/o Karyana P/o & Tehsil Hiranagar.

V/s

1. First Appellate Authority,
PW(R&B) Department,
Civil Secretariat, Srinagar.
2. Public Information Officer,
PW(R&B) Department,
Civil Secretariat, Srinagar.

Srinagar.
02-07-2013

This is a 2nd appeal filed by Shri Shiv Shanker Sharma, a resident of the State before this Commission on 22-03-2013. Smt. Shabnam Kamli, Addl. Secretary/FAA, PW(R&B) and Shri Chanchal Singh Rathore, Under Secretary/PIO, PW(R&B) Department attended. The brief grounds of the appeal are that the appellant filed an RTI application before PIO office of Commissioner/Secretary to Government, PW(R&B) Department, Jammu on 02-11-2012 seeking certain information. After receiving the said application PIO wrote to PIO in the office of Chief Engineer, R&B Jammu asking the said PIO to provide the said information excepting part-I to the information seeker. The PIO office of Chief Engineer, R&B Jammu supplied some information vide his No. CEJ/G/14927-28 dated 04-12-2012 which was misleading and not as per subject of RTI application. Not being satisfied with this information he preferred first appeal to the FAA in the Office of Commissioner/Secretary to Govt. PW(R&B) Department, he got a hearing notice from FAA and attended the hearing but no action seems to have been taken by the FAA till date. As stated above FAA along with PIO attended and brought to the notice of the Commission that the order passed by the FAA on 08-02-2013 wherein it was mentioned that the appellant had agreed to provide copy of registered communication No.2379 to the PIO and PIO will accordingly provide the information to the information seeker. As the appellant did not attend this commission therefore, he was contacted on his No.9419845218 and he was asked

to explain under what proof in support of his averments that information provided to him was not correct and was misleading. No such explanation has been given, thus the allegation that information given has been misleading has remained unsubstantiated. The appellant has also admitted of having received the order dated 08-02-2013 which has been dispatched under No.PW(R&B)RTI/118 /2012. Vide this order the appellant was asked to provide copy of registered letter under No.2379 dated 26-2-2012 which appears to contain the information on the basis of which the information seeker states that there has been mis-utilization of State exchequer. The commission has also gone through the order passed by the PIO in the office of Chief Engineer, PW(R&B) wherein the information sought at part-II has been provided. The remaining information could have been given to the appellant only after he provide copy of the communication under No.2379 dated 26-02-2012, which has not so far given by the information seeker and which has been admitted by the appellant.

If the PIO in the office of Commissioner/Secretary to Govt. PW(R&B) Department wanted copy of the communication referred above he should have sought the same from the appellant before the expiry of 30 days. Had this been done remaining information as per RTI Act have also been provided to the information seeker. It was duty of the information seeker to prove before the FAA, PIO and the commission that the said information which he claims to have been sent through registered post has actually been received in the office of Commissioner/Secretary to Govt. PW(R&B) Department. Onus as per law is upon the appellant to prove that such communication was in possession of the PIO. Unless this is proved before the commission the grounds of appeal raised by the appellant are not substantiable. The appeal is accordingly disposed of.

Sd/-
G.R.Sufi,
Chief Information Commission, J&K.

Copy to the:-

1. First Appellate Authority, PW(R&B) Department, Civil Secretariat, Srinagar.
2. Public Information Officer, PW(R&B) Department, Civil Secretariat, Srinagar.
3. Shri Shiv Shanker Sharma R/o Karyana P/o and Tehsil Hiranagar.
4. Private Secretary to Hon'ble Chief Information Commissioner.
5. Guard file.

(Mohammad Syed Shah)
Registrar,
J&K State Information Commission at Srinagar